

### **REMARKS**

This paper is filed in response to the Office Action mailed June 16, 2008.

Following the amendments above, claims 12-15, 17-23, 25, 36-40, 42-43, 58-70, 72-76, 78-82, 92-96, and 98-112, 114-116, and 120-121 are pending.

Claims 12, 13, 17-23, 36-40, 42, 43, 58-70, 72-76, 78-82, 102-104, 106, 108-111, 113-116, 120, and 121 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,685,775 to Bakoglu *et al.* (“Bakoglu”) in view of U.S. Patent No. 5,299,810 to Pierce *et al.* (“Pierce”).

Claims 14-15, 25, 92-96, 98-101, 105, and 107 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bakoglu and Pierce and further in view of an article entitled “A Low-Cost Force Feedback Joystick and its Use in PC Video Games” authored by Ming Ouhyoung *et al.*, and published in the IEEE Transactions on Consumer Electronics, Vol. 41, No. 3, Aug. 1995 (hereinafter referred to as “Ouhyoung”) and an article entitled “MagicMouse: Tactile and Kinesthetic Feedback in the Human-Computer Interface using an Electromagnetically Actuated Input/Output Device” authored by Kelley *et al.* (hereinafter referred to as “Kelley”).

Applicant has amended claims 12, 17-20, 38, 58, 59, and 101-103. No new matter is added by these amendments, and support for the amendments may be found in the specification and claims as originally filed.

Reconsideration and allowance of all claims are respectfully requested in view of the amendments above and the remarks below.

- I. § 103(a) – Bakoglu in view of Pierce - Claims 12, 13, 17-23, 36-40, 42, 43, 58-70, 72-76, 78-82, 102-104, 106, 108-111, 113-116, 120, and 121

The rejection of claims 12, 13, 17-23, 36-40, 42, 43, 58-70, 72-76, 78-82, 102-104, 106, 108-111, 113-116, 120, and 121 under 35 U.S.C. § 103(a) as allegedly unpatentable over Bakoglu in view of Pierce is respectfully traversed.

Applicants respectfully assert that *prima facie* obviousness has not been established. To establish *prima facie* obviousness of a claimed invention under 35 U.S.C. § 103, the Office Action must show, either from the references themselves or in the knowledge generally available

to one of ordinary skill in the art, that the cited references disclose or suggest each claimed element and that it would have been obvious under *Graham v. John Deere Co.* to modify the references or to combine teachings in the references to arrive at the claimed invention. See MPEP §§ 2141 and 2143; *Graham v. John Deere Co.*, 383 U.S. 1 (1966); *KSR Int'l Co. v. Teleflex, Inc.*, 82 U.S.P.Q.2d at 1395-96. Further, "[i]f [a] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP 2143.01 (citing *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)).

Because Bakoglu in view of Pierce does not disclose or suggest "haptic feedback information repeatedly received from said first computer means over said network means" as recited in claim 12, or "receiving a remote computer information... said remote computer information comprises information representing haptic feedback information" as recited in claim 17, Bakoglu in view of Pierce does not disclose or suggest all of the limitations of independent claims 12 and 17. The Examiner does not cite Bakoglu for transferring haptic feedback information over a network. Rather, on page 5 of the Office Action, the Examiner notes that Pierce discloses "said information comprising haptic feedback information and position information for a graphical object displayed by said second computer." Pierce, however, only suggests transferring haptic feedback information over a shared memory or a common ram board. See Pierce, Figure 2. Transferring haptic feedback information over a common ram board does not disclose or suggest "remote computer information comprising information representing haptic feedback information."

Furthermore, modifying the Bakoglu device to send and/or receive haptic feedback information would fundamentally alter the mode of operation of the device, and thus, one of ordinary skill in the art would not be motivated to modify the Bakoglu device to send and/or receive haptic feedback information. To overcome "the primary problem of playing games over telephone networks," Bakoglu deliberately limits the amount of information exchanged between remote video games systems: "the only information exchanged between game machines over telephone network are players actions and machine-clock related information." See Bakoglu, Column 2, lines 21-24. In addition, Bakoglu explicitly facilitates remote game play "by creating add-ons to existing stand-alone game machines... without requiring any modification to either the game machine or the game software." See Bakoglu, Column 1, lines 30-31, Column 2, lines

16-17. Not only would exchanging haptic feedback information require modification to a game machine and/or game software, exchanging haptic feedback information may destroy the game synchronization achieved by Bakoglu.

In order to overcome the synchronization problem of remote video game systems, Bakoglu discloses that only Input/Output signals should be transferred. *Id.* Bakoglu accomplishes the transfer of I/O signals by polling signals from a player port of a video game system, thereby serving as an add-on device to existing video game systems, “without requiring any modification to either the game machine or the game software.” Exchanging haptic information may require additional programming and/or modifications to existing video game systems and/or software, defeating Bakoglu’s stated objective. Furthermore, by transferring additional information such as haptic information, additional delays could be introduced, potentially defeating the video game synchronization made possible by transferring less information. Therefore, one of ordinary skill in the art would not utilize the system taught by Bakoglu in combination with the exchange of haptic information taught by Pierce to arrive at the presently claimed invention.

For at least these reasons, claims 12 and 17 are patentable over Bakoglu in view of Pierce. Because claims 13 and 18-23 depend from and further limit claims 13 or 17, claims 13 and 18-23 are patentable over Bakoglu in view of Pierce for at least the same reasons. Applicant respectfully requests the Examiner withdraw the rejection of claims 12, 13, and 17-23.

Similar to claims 12 and 17, independent claims 38, 58, 75, 102, 103, 120, and 121 include limitations reciting sending or receiving information comprising haptic feedback information. Therefore, independent claims 38, 58, 75, 102, 103, 120, and 121, and claims 36-37, 39-40, 42-43, 59-70, 72-74, 76, 78-82, 104, 106, 108-111, and 113-116, which depend from and further limit claims 38, 58, 75, 102, 103, 120, and 121 are patentable over Bakoglu in view of Pierce for at least the same reasons. Applicant respectfully requests the Examiner withdraw the rejection of claims 36-40, 42, 43, 58-70, 72-76, 78-82, 102-104, 106, 108-111, 113-116, 120, and 121.

II. § 103(a) – Bakoglu in view of Pierce and further in view of Ouhyoung and Kelley -  
Claims 14-15, 25, 92-96, 98-101, 105, and 107

The rejection of claims 14-15, 25, 92-96, 98-101, 105, and 107 under 35 U.S.C. § 103(a) as being anticipated by Bakoglu in view of Pierce and further in view of Ouhyoung and Kelley is respectfully traversed.

Applicants respectfully assert that *prima facie* obviousness has not been established. To establish *prima facie* obviousness of a claimed invention under 35 U.S.C. § 103, the Office Action must show, either from the references themselves or in the knowledge generally available to one of ordinary skill in the art, that the cited references disclose or suggest each claimed element and that it would have been obvious under *Graham v. John Deere Co.* to modify the references or to combine teachings in the references to arrive at the claimed invention. See MPEP §§ 2141 and 2143; *Graham v. John Deere Co.*, 383 U.S. 1 (1966); *KSR Int'l Co. v. Teleflex, Inc.*, 82 U.S.P.Q.2d at 1395-96. Further, "[i]f [a] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP 2143.01 (citing *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)).

Because Bakoglu in view of Pierce and further in view of Ouhyoung and Kelley does not disclose or suggest "haptic feedback information repeatedly received from said first computer means over said network means" as recited in claim 12, or "receiving a remote computer information... said remote computer information comprises information representing haptic feedback information" as recited in claim 17, Bakoglu in view of Pierce does not disclose or suggest all of the limitations of independent claims 12 and 17. As noted above, the Examiner does not cite Bakoglu for transferring haptic feedback information over a network. Although Pierce teaches sending haptic feedback information over a common ram board, neither Pierce, Ouhyoung, or Kelley teach "receiving a remote computer information... said remote computer information comprises information representing haptic feedback information." Transferring haptic feedback information over a common ram board does not disclose or suggest "remote computer information comprising information representing haptic feedback information."

Furthermore, as discussed above, modifying the Bakoglu device to send and/or receive haptic feedback information would fundamentally alter the mode of operation of the device, and

thus, one or ordinary skill in the art would not be motivated to modify the Bakoglu device to send and/or receive haptic feedback information. Therefore, claims 13, 17, 101, and 103, from which claims 14-15, 25, 92-96, 98-100, 105, and 107 depend, are patentable over Bakoglu in view of Pierce and further in view of Ouhyoung and Kelley.

Applicant respectfully requests the Examiner withdraw the rejection of claims 14-15, 25, 92-96, 98-101, 105, and 107.

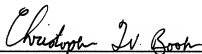
### CONCLUSION

Applicant respectfully asserts that all pending claims are allowable and Applicant respectfully requests the allowance of all claims.

Should the Examiner have any comments, questions, or suggestions of a nature necessary to expedite the prosecution of the application, or to place the case in condition for allowance, the Examiner is courteously requested to telephone the undersigned at the number listed below.

Respectfully submitted,

Date: 11/13/08



Christopher W. Bosken  
Reg. No. 58,887

KILPATRICK STOCKTON LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101  
(336) 607-7366 (voice)  
(336) 734-2600 (fax)